

House File 2530

PAG LIN

HOUSE FILE 2530

1 1
1 2
1 3 AN ACT
1 4 RELATING TO THE ASSESSMENT OF SURCHARGES IN CRIMINAL
1 5 PROCEEDINGS.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 331.302, subsection 2, Code Supplement
1 10 2003, is amended to read as follows:
1 11 2. A county shall not provide a penalty in excess of a
1 12 five hundred dollar fine or in excess of thirty days
1 13 imprisonment for the violation of an ordinance. The criminal
1 14 penalty surcharge required by section ~~911.2~~ 911.1 shall be
1 15 added to a county fine and is not a part of the county's
1 16 penalty.
1 17 Sec. 2. Section 364.3, subsection 2, Code Supplement 2003,
1 18 is amended to read as follows:
1 19 2. A city shall not provide a penalty in excess of a five
1 20 hundred dollar fine or in excess of thirty days imprisonment
1 21 for the violation of an ordinance. An amount equal to ten
1 22 percent of all fines collected by cities shall be deposited in
1 23 the account established in section 602.8108. However, one
1 24 hundred percent of all fines collected by a city pursuant to
1 25 section 321.236, subsection 1, shall be retained by the city.
1 26 The criminal penalty surcharge required by section ~~911.2~~ 911.1
1 27 shall be added to a city fine and is not a part of the city's
1 28 penalty.
1 29 Sec. 3. Section 602.8108, subsections 2 through 6, Code
1 30 Supplement 2003, are amended to read as follows:
1 31 2. Except as otherwise provided, the clerk of the district
1 32 court shall report and submit to the state court
1 33 administrator, not later than the fifteenth day of each month,
1 34 the fines and fees received during the preceding calendar
1 35 month. Except as provided in subsections 3, 4, and 5, 6, and
2 1 7, the state court administrator shall deposit the amounts
2 2 received with the treasurer of state for deposit in the
2 3 general fund of the state. The state court administrator
2 4 shall report to the legislative services agency within thirty
2 5 days of the beginning of each fiscal quarter the amount
2 6 received during the previous quarter in the account
2 7 established under this section.
2 8 3. ~~When a court assesses a criminal surcharge under~~
2 9 ~~section 911.2, the amounts collected shall be distributed as~~
2 10 ~~follows:~~
2 11 a. The clerk of the district court shall ~~submit~~ remit to
2 12 the state court administrator, not later than the fifteenth
2 13 day of each month, ninety-five percent of ~~the surcharge~~
2 14 ~~collected all moneys collected from the criminal penalty~~
2 15 ~~surcharge provided in section 911.1 during the preceding~~
2 16 ~~calendar month. The clerk shall remit the remainder to the~~
2 17 ~~county treasurer of the county that was the plaintiff in the~~
2 18 ~~action or to the city that was the plaintiff in the action.~~
2 19 b. Of the amount received from the clerk, the state court
2 20 administrator shall allocate eighteen percent to be deposited
2 21 in the victim compensation fund established in section 915.94
2 22 and eighty-two percent to be deposited in the general fund.
2 23 c. ~~4. Notwithstanding provisions of this subsection to the~~
2 24 ~~contrary, The clerk of the district court shall remit all~~
2 25 ~~moneys collected from the drug abuse resistance education~~
2 26 ~~surcharge provided in section 911.2 shall be remitted to the~~
2 27 ~~treasurer of state court administrator for deposit in the~~
2 28 ~~general fund of the state and the amount deposited is~~
2 29 ~~appropriated to the governor's office of drug control policy~~
2 30 ~~for use by the drug abuse resistance education program and~~
2 31 ~~other programs directed for a similar purpose.~~
2 32 ~~4. 5. When a court assesses the law enforcement initiative~~
2 33 ~~surcharge under section 911.3, the The clerk of the district~~
2 34 ~~court shall remit to the treasurer of the state, all moneys~~
2 35 ~~collected from the assessment of the law enforcement~~
3 1 ~~initiative surcharge provided in section 911.3 to the state~~
3 2 ~~court administrator no later than the fifteenth day of each~~
3 3 ~~month, all the moneys collected during the preceding month,~~
3 4 ~~for deposit in the general fund of the state.~~
3 5 ~~5. 6. A court technology and modernization fund is~~

3 6 established as a separate fund in the state treasury. The
3 7 state court administrator shall allocate one million dollars
3 8 of the moneys received under subsection 2 to be deposited in
3 9 the fund, which shall be administered by the supreme court and
3 10 shall be used to enhance the ability of the judicial branch to
3 11 process cases more quickly and efficiently, to electronically
3 12 transmit information to state government, local governments,
3 13 law enforcement agencies, and the public, and to improve
3 14 public access to the court system.

3 15 ~~6- 7.~~ The state court administrator shall allocate all of
3 16 the fines and fees attributable to commercial vehicle
3 17 violation citations issued by motor vehicle division personnel
3 18 of the state department of transportation to the treasurer of
3 19 state for deposit in the road use tax fund.

3 20 Sec. 4. Section 805.8, subsection 1, Code 2003, is amended
3 21 to read as follows:

3 22 1. APPLICATION. Except as otherwise indicated, violations
3 23 of sections of the Code specified in sections 805.8A, 805.8B,
3 24 and 805.8C are scheduled violations, and the scheduled fine
3 25 for each of those violations is as provided in those sections,
3 26 whether the violation is of state law or of a county or city
3 27 ordinance. The criminal penalty surcharge required by section
3 28 ~~911.2~~ 911.1 shall be added to the scheduled fine.

3 29 Sec. 5. Section 805.8C, subsection 3, paragraph a, Code
3 30 2003, is amended to read as follows:

3 31 a. For violations of section 142B.6, the scheduled fine is
3 32 twenty-five dollars, and is a civil penalty, and the criminal
3 33 penalty surcharge under section ~~911.2~~ 911.1 shall not be added
3 34 to the penalty, and the court costs pursuant to section 805.9,
3 35 subsection 6, shall not be imposed. If the civil penalty
4 1 assessed for a violation of section 142B.6 is not paid in a
4 2 timely manner, a citation shall be issued for the violation in
4 3 the manner provided in section 804.1. However, a person under
4 4 age eighteen shall not be detained in a secure facility for
4 5 failure to pay the civil penalty. The complainant shall not
4 6 be charged a filing fee.

4 7 Sec. 6. Section 805.8C, subsection 3, paragraph c,
4 8 unnumbered paragraph 1, Code 2003, is amended to read as
4 9 follows:

4 10 For violations of section 453A.2, subsection 2, the
4 11 scheduled fine is as follows and is a civil penalty, and the
4 12 criminal penalty surcharge under section ~~911.2~~ 911.1 shall not
4 13 be added to the penalty, and the court costs pursuant to
4 14 section 805.9, subsection 6, shall not be imposed:

4 15 Sec. 7. Section 902.9, unnumbered paragraph 2, Code 2003,
4 16 is amended to read as follows:

4 17 The ~~criminal penalty surcharge surcharges~~ required by
4 18 sections 911.1, 911.2, and 911.3 shall be added to a fine
4 19 imposed on a class "C" or class "D" felon, as provided by
4 20 those sections, and ~~is are~~ not a part of or subject to the
4 21 maximums set in this section.

4 22 Sec. 8. Section 903.1, subsection 4, Code 2003, is amended
4 23 to read as follows:

4 24 4. The ~~criminal penalty surcharge surcharges~~ required by
4 25 sections 911.1, 911.2, and 911.3 shall be added to a fine
4 26 imposed on a misdemeanor as provided in those sections, and
4 27 ~~is are~~ not a part of or subject to the maximums set in this
4 28 section.

4 29 Sec. 9. Section 909.10, subsection 1, Code 2003, is
4 30 amended to read as follows:

4 31 1. As used in this section, unless the context otherwise
4 32 requires, "delinquent amounts" means a fine, court-imposed
4 33 court costs in a criminal proceeding, or ~~criminal~~ surcharge
4 34 imposed pursuant to section 911.1 or 911.2, which remains
4 35 unpaid after two years from the date that the fine, court
5 1 costs, or surcharge was imposed, and which is not collected by
5 2 the county attorney pursuant to section 602.8107. However, if
5 3 the fine may be paid in installments pursuant to section
5 4 909.3, the fine is not a delinquent amount unless the
5 5 installment remains unpaid after two years from the date the
5 6 installment was due.

5 7 Sec. 10. Section 911.1, Code 2003, is amended by striking
5 8 the section and inserting in lieu thereof the following:

5 9 911.1 CRIMINAL PENALTY SURCHARGE.

5 10 1. A criminal penalty surcharge shall be levied against
5 11 law violators as provided in this section. When a court
5 12 imposes a fine or forfeiture for a violation of state law, or
5 13 a city or county ordinance, except an ordinance regulating the
5 14 parking of motor vehicles, the court or the clerk of the
5 15 district court shall assess an additional penalty in the form
5 16 of a criminal penalty surcharge equal to thirty percent of the

5 17 fine or forfeiture imposed.
5 18 2. In the event of multiple offenses, the surcharge shall
5 19 be based upon the total amount of fines or forfeitures imposed
5 20 for all offenses.
5 21 3. When a fine or forfeiture is suspended in whole or in
5 22 part, the court shall reduce the surcharge in proportion to
5 23 the amount suspended.
5 24 4. The surcharge is subject to the provisions of chapter
5 25 909 governing the payment and collection of fines, as provided
5 26 in section 909.8.
5 27 5. The surcharge shall be remitted by the clerk of court
5 28 as provided in section 602.6108, subsection 3.
5 29 Sec. 11. Section 911.2, Code 2003, is amended by striking
5 30 the section and inserting in lieu thereof the following:
5 31 911.2 DRUG ABUSE RESISTANCE EDUCATION SURCHARGE.
5 32 1. In addition to any other surcharge, the court or clerk
5 33 of the district court shall assess a drug abuse resistance
5 34 education surcharge of ten dollars if a violation arises out
5 35 of a violation of an offense provided for in chapter 321J or
6 1 chapter 124, division IV.
6 2 2. In the event of multiple offenses, the surcharge shall
6 3 be imposed for each applicable offense. The surcharge shall
6 4 not be assessed for any offense for which the court defers the
6 5 sentence or judgment or suspends the sentence.
6 6 3. The surcharge is subject to the provisions of chapter
6 7 909 governing the payment and collection of fines, as provided
6 8 in section 909.8.
6 9 4. The surcharge shall be remitted by the clerk of court
6 10 as provided in section 602.8108, subsection 4.
6 11 Sec. 12. Section 911.3, Code 2003, is amended by striking
6 12 the section and inserting in lieu thereof the following:
6 13 911.3 LAW ENFORCEMENT INITIATIVE SURCHARGE.
6 14 1. In addition to any other surcharge, the court or clerk
6 15 of the district court shall assess a law enforcement
6 16 initiative surcharge of one hundred twenty-five dollars if an
6 17 adjudication of guilt or a deferred judgment has been entered
6 18 for a criminal violation under any of the following:
6 19 a. Chapter 124, 155A, 453B, 713, 714, 715A, or 716.
6 20 b. Section 719.8, 725.1, 725.2, or 725.3.
6 21 2. In the event of multiple offenses, the surcharge shall
6 22 be imposed for each applicable offense.
6 23 3. The surcharge shall be remitted by the clerk of court
6 24 as provided in section 602.8108, subsection 5.
6 25
6 26
6 27

6 28 _____
6 29 CHRISTOPHER C. RANTS
6 30 Speaker of the House
6 31

6 32 _____
6 33 JEFFREY M. LAMBERTI
6 34 President of the Senate
6 35

7 1 I hereby certify that this bill originated in the House and
7 2 is known as House File 2530, Eightieth General Assembly.
7 3
7 4
7 5

7 6 _____
7 7 MARGARET THOMSON
7 8 Chief Clerk of the House

7 8 Approved _____, 2004
7 9
7 10
7 11

7 12 _____
7 12 THOMAS J. VILSACK
7 13 Governor